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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES  
LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

CHARLES ELLERIN IRREVOCABLE GIFT GIVING  
TRUST, in its capacity as LIMITED PARTNER of the  
ELLERIN PARTNERSHIP, LTD.; and

ROBERT M. GRIFFITH, in his capacity as TRUSTEE  
of the CHARLES ELLERIN IRREVOCABLE GIFT  
GIVING TRUST,

Defendants.

Adv. Pro. No. 10-05219 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF ADVERSARY  
PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and Defendants Charles Ellerin Irrevocable Gift Giving Trust, in its capacity as Limited Partner of the Ellerin Partnership, Ltd.; and Robert M. Griffith, in his capacity as Trustee of the Charles Ellerin Irrevocable Gift Giving Trust (collectively, “Defendants”), by and through their counsel, Akerman LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 3, 2010, the Trustee filed the Complaint against Defendants.
2. Defendants have not filed a response to the Complaint.
3. On September 30, 2016, the Trustee and Defendants entered into a Settlement Agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding without prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of default as set forth in the Settlement Agreement. Pursuant to Section 3(c) of the Settlement Agreement, upon Trustee’s receipt of the full Settlement Payment, and provided there is no default under the Settlement Agreement, this dismissal shall be deemed with prejudice.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and

parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: November 17, 2016

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its capacity as Limited Partner of the Ellerin  
Partnership, Ltd. and Robert M. Griffith, in his  
capacity as Trustee of the Charles Ellerin  
Irrevocable Gift Giving Trust*

**SO ORDERED**

Dated: November 17<sup>th</sup>, 2016  
New York, New York

/s/ STUART M. BERNSTEIN  
**HONORABLE STUART M. BERNSTEIN**  
**UNITED STATES BANKRUPTCY JUDGE**